

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOSEPH MICHAEL DEVON ENGEL,

Plaintiff,

v.

INSTAGRAM,

Defendant.

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No. 4:20-CV-1927-HEA

OPINION, MEMORANDUM AND ORDER

This closed civil matter is before the Court upon review of Plaintiff's post-judgment motion to modify the collection of his appellate filing fees. The motion will be denied.

Plaintiff is a prisoner who is in the custody of the Missouri Department of Corrections ("MDOC"). He has been a frequent *pro se* and *in forma pauperis* litigator in this Court, and is subject to 28 U.S.C. § 1915(g). He initiated this action on or about December 28, 2020 by filing a complaint seeking damages against Instagram, and he sought leave to proceed *in forma pauperis*.

In the complaint, Plaintiff claimed he was entitled to relief because an unspecified person hacked his Instagram account. In orders dated January 21, 2021, this Court determined that Plaintiff's allegations did not establish he was under imminent danger of serious physical injury, and the Court therefore could not grant him leave to proceed *in forma pauperis*. The Court dismissed the action without prejudice to the filing of a fully-paid complaint.

Plaintiff filed a notice of appeal. He also filed a motion for leave to proceed *in forma pauperis* on appeal, which this Court denied. On May 18, 2021, the United States Court of Appeals for the Eighth Circuit dismissed the appeal, assessed the appellate and docketing fees

against Plaintiff, and remanded the matter to this Court for collection of the appellate fees. In accordance with the order of the Court of Appeals, this Court entered an order directing Plaintiff's institution to begin making payments until the appellate fees were fully paid.

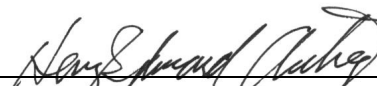
In the instant motion, Plaintiff can be understood to complain that the MDOC is wrongfully collecting filing fees for multiple cases each month, which results in the exhaustion of his prisoner account. He can be understood to assert that the MDOC should only send the Court one payment of 20% of his income each month. He asks this Court to "fix this," and "reopen all cases in Court of Appeals and District Courts. Send copy to Eight[h] Circuit Court of Appeals and Feder[al] District Courts."

Plaintiff's motion will be denied. There is no merit to his suggestion that the MDOC may only forward a single monthly payment of 20% of his income to satisfy his fee obligations. In *Bruce v. Samuels*, the United States Supreme Court rejected just such an argument, and held that the *in forma pauperis* statute calls for simultaneous, not sequential, recoupment of multiple filing fees incurred by an indigent prisoner. 577 U.S. 82 (2016). In reaching that decision, the Supreme Court recognized that a prisoner who had filed multiple actions (like Plaintiff herein) could exhaust his prisoner account each month. *Id.* at 631. Plaintiff's motion also fails to establish a basis to reopen any case in this Court.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion (ECF No. 17) is **DENIED**.

Dated this 22nd day of February, 2023.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE